S. 47

At the request of Mr. ENSIGN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 47, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 160

At the request of Mr. LIEBERMAN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON JANUARY 6, 2009

By Mr. SPECTER (for himself and Mr. CASEY):

S. 32. A bill to require the Federal Energy Regulatory Commission to hold at least 1 public hearing before issuance of a permit affecting public or private land use in a locality; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I seek recognition to speak on legislation I am introducing that will require the Federal Energy Regulatory Commission to hold at least one public hearing before issuance of a permit affecting public or private land use in a locality. I introduced legislation on this issue at the end of the 110th Congress, and fully expect it to remain relevant as we move forward with upgrades to our energy infrastructure, possibly as part of an economic stimulus package. The legislation has been updated; namely, it now allows for a second hearing when officially requested by a county or local government to address issues not addressed at the original hearing.

Increasing demand for electricity throughout the Northeast is putting a strain on energy infrastructure in my State, necessitating new transmission lines and natural gas pipelines and the expansion of existing ones. In southwestern and northeast Pennsylvania transmission line expansions are planned over hundreds of miles of private property, while in the southeast natural gas pipeline expansions are underway.

There is no doubt these projects can be invasive, and rarely do they fail to be controversial. I make a point of touching all of Pennsylvania's 67 counties each year. In traveling Pennsylvania this Fall I heard a lot of complaints, which didn't come as a surprise. I heard frequently from constituents who oppose these infrastructure projects, and who felt their concerns were being ignored by the energy companies and by FERC.

I realize there will always be some opposition to large infrastructure projects. What is unacceptable, however, is for the people of my State to feel that their voices were not heard, that their issues were ignored. It may be the case that these projects are necessary. The Federal Energy Regulatory Commission is the authority, and in exercising its authority it must be sensitive to local concerns.

To address this I propose simply that FERC hold a hearing in these affected communities. In many cases this is already done, but my legislation makes it mandatory. State Public Utility Commissions, who have a great say in these matters, are beyond Congress' reach. But where the Federal Energy Regulatory Commission is involved we can take steps to ensure that our constituents' concerns receive due consideration. Holding a hearing may not lead to all sides agreeing on the proper route forward, but at the very least my Pennsylvania constituents will come away with the satisfaction of having publicly aired their grievances.

To ensure that constituent concerns are given all due consideration, my legislation allows for affected parties to petition for a second hearing, provided certain conditions are met. In order for a second hearing to occur, a county government, or a municipal government within the affected county, must petition the Federal Energy Regulatory Commission for a second hearing. A second hearing will only occur to address an issue that was not addressed at the initial hearing, and the hearing shall occur between 30 and 60 days after approval by the Federal Energy Regulatory Commission.

The safeguards included in this legislation are critical to protecting individual property rights. As the Nation moves forward in making needed updates to its infrastructure, defending citizens' constitutional right to redress their government with their concerns should be paramount for this Congress. I will continue to fight to allow my constituents to be heard when Federal projects will affect their rights as homeowners and landowners.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 22. A bill to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; read the first time.

Mrs. FEINSTEIN. Mr. President, I rise to speak to Senator BINGAMAN's introduction today of the Omnibus Public Land Management Act of 2009. I strongly support this bill and Senator BINGAMAN's leadership in sponsoring it, and urge my colleagues to vote for its prompt passage.

This omnibus legislation includes no fewer than 20 bills of interest to California, including 14 bills to increase our water supply and to restore our rivers and groundwater quality, 3 bills to designate additional wilderness areas, and 3 other National Park Service, Bureau of Land Management, and Forest Service bills.

I would like to speak at some length about one of these bills, the San Joaquin River Restoration Settlement Act, which I have introduced with Senator BOXER to bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority and the U.S. Department of the Interior. Before I discuss the San Joaquin bill, however, I would like to review the other 19 California bills in the omnibus legislation introduced today. These include the following:

ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM

Eastern Sierra and Northern San Gabriel Wilderness,

Riverside County Wilderness, and the Sequoia and Kings Canyon National Parks Wilderness;

BUREAU OF LAND MANAGEMENT

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria land exchange;

FOREST SERVICE

Mammoth Community Water District land conveyance;

NATIONAL PARK SERVICES

Tule Lake Segregation Center Resource Study;

BUREAU OF RECLAMATION

San Diego Intertie feasibility study,

Madera Water Supply Enhancement Project authorization,

Rancho California Water District project authorization,

Santa Margarita River project authorization,

Elsinore Valley Municipal Water District project authorization,

North Bay Water Reuse Authority project authorization,

Prado Basin Natural Treatment System Project authorization,

Bunker Hill Groundwater Basin project authorization,

GREAT Project authorization,

Yucaipa Valley Water District project authorization,

Goleta Water District Water Distribution System title transfer,

San Gabriel Basin Restoration Fund, and the

Lower Colorado River Multi-Species Conservation Program

I would like to say a few words about the water project authorizations and wilderness bills, in addition to the San Joaquin River Settlement legislation.

In the Western U.S., drought, population growth, increasing climate variability, and ecosystem needs make managing water supplies especially challenging. The 9 California water recycling projects included in the omnibus bill offer a proven means to develop cost effective alternative water supply projects. Together they will help the state reduce its dependence on imported water from both the Lower Colorado River and Sacramento/San Joaquin Delta.

Among the other bills to benefit California water supply and quality, one codifies the Lower Colorado River Multi-Species Conservation Program, MSCP, a 50 year plan to protect endangered species and preserve wildlife habitat along the Colorado River.

The three wilderness bills in this package would together protect a wilderness about 735,000 acres of land in Mono, Riverside, Inyo, and Los Angeles Counties, and within Sequoia-Kings Canyon National Park. This will protect spectacular lands ranging from the High Sierras to the magnificent California deserts. I want to thank Senator BOXER in particular for her leadership on these bills.

I would like to devote most of my remarks to the San Joaquin River Restoration Settlement Act, a bill Senator BOXER and I have cosponsored that approves, authorizes and helps fund an historic Settlement on the San Joaquin River in California. This Settlement restores California's second longest river, while maintaining a stable water supply for the farmers who have made the San Joaquin Valley the richest agricultural area in the world. One of the major benefits of this settlement is the restoration of a long-lost salmon fishery. The return of one of California's most important salmon runs will create significant benefits for local communities in the San Joaquin Valley, helping to restore a beleaguered fishing industry while improving recreation and quality of life.

This San Joaquin Settlement bill is nearly identical to the bill that we introduced in the waning days of the 109th Congress, and reintroduced at the beginning of the 110th Congress as S. 27. However, the bill we are introducing today does reflect a few significant changes resulting from discussions among the numerous Settling Parties and various ''Third Parties'' in the San Joaquin Valley of California. During the past year the parties to the settlement and these affected third parties, such as the San Joaquin River Exchange Contractors, have agreed to certain changes to the legislation to make the measure PAYGO neutral and to enhance implementation of the settlement's ''Water Management Goal'' to reduce or avoid adverse water supply impacts to Friant Division long-term water contractors. The legislation that we are introducing today incorporates these changes, which are supported by the State of California and major water agencies on the San Joaquin River and its tributaries.

The Settlement has two goals: to restore and maintain fish populations in the San Joaquin River, including a selfsustaining salmon fishery, and to avoid or reduce adverse water supply impacts to long-term Friant water contractors. Consistent with the terms of the Settlement, we expect that both of these goals will be pursued with equal diligence by the Federal agencies.

Without this consensus resolution of a long-running western water battle the parties will continue the fight, resulting in a court-imposed judgment. It is widely recognized that an outcome imposed by a court is likely to be worse for everyone on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has enjoyed the strong support of the Bush Administration, California Governor Schwarzenegger's Administration, the environmental and fishing communities and numerous California farmers and water districts, including the Friant Water Users Authority and its member districts that have been part of the litigation.

When the Federal Court approved the Settlement in late October, 2006, Secretary of the Interior Dirk Kempthorne praised the Settlement for launching ''one of the largest environmental restoration projects in California's history.'' The Secretary further observed that ''This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley . . . and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities.''

I share the Secretary's strong support for this balanced and historic agreement, and it is my honor to join with Senator BOXER and a bipartisan group of California House Members who have previously introduced and supported this legislation to authorize and help fund the San Joaquin River Restoration Settlement.

During the past year we have worked with the parties to the settlement, affected third party agencies and the State of California to ensure that the legislation complies with congressional PAYGO rules.

In May of 2008, the Energy and Natural Resources Committee approved amendments agreed to by the parties that allow most Friant Division contractors to accelerate repayment of their construction cost obligation to the Treasury. This change both increases the amount of up-front funding available for the settlement and decreases the bill's PAYGO ''score'' by $88 million, according to the Congressional Budget Office. In exchange for agreeing to early re-payment of their construction obligation, Friant water agencies will be able to convert their 25-year water service contracts to permanent repayment contracts.

The amendments also included new provisions to enhance the water management efforts of affected Friant water districts. Specifically, the legislation now includes new authority to provide improvements to Friant Division facilities, including restoring capacity in canals, reverse flow pumpback facilities, and financial assistance for local water banking and groundwater recharge projects, all for the purpose of reducing or avoiding impacts on Friant Division contractors resulting from additional River flows called for by the Settlement and this Legislation.

Near the end of the 110th Congress, parties to the Settlement and affected third parties came to agreement on additional provisions that would greatly facilitate passage of the bill by making it PAYGO-neutral. The legislation we are introducing today includes substantial funding, including direct spending on settlement implementation during the first ten year period of $88 million gained by early repayment of Friant's construction obligation, and substantial additional funding authorized for annual appropriation until 2019, after which it then becomes available for direct spending again. This additional funding is generated by continuing payments from Friant water users and will become directly available to continue implementing the settlement by 2019 if it has not already been appropriated for that purpose before then.

In 2006, California voters showed their support for the settlement by approving Propositions 84 and 1E, that will help pay for the Settlement, with the State of California now committing at least $200 million toward the Settlement costs during the next 10 years. When State-committed funding, direct spending authorized by the bill, and other highly reliable funding including pre-existing payments by water users are added together, there is at least $380–390 million available for implementing the Settlement over the next 10 years, with additional dollars possible from additional federal appropriations.

Nevertheless, it is my intention to work with the Chairman of the Energy and Natural Resources Committee during the 111th Congress to find a suitable offset that will allow restoration of all of the direct spending envisioned by the settlement without waiting until 2019.

Today's legislation continues to include substantial protections for other

water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis. These protections are accomplished while ensuring a timely and robust restoration of the River and without creating any new precedents for implementing the Endangered Species Act. Similarly, there is no preemption of State law and nothing in the bill changes any existing obligations of the United States to operate the Central Valley Project in conformity with state law.

The bill we are introducing today contains several new provisions to strengthen these third-party protections in light of the changes made to address PAYGO. These include safeguards to ensure that the San Joaquin River Exchange Contractors and other third parties will not face increased costs or regulatory burdens as a result of the PAYGO changes.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

At the end of the day, I believe that this San Joaquin bill is something that we can all feel proud of, and I urge my colleagues to move quickly to approve this omnibus public lands legislation and provide the administration the authorization it needs to fully carry out the extensive restoration opportunities and other actions called for under the Settlement.

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By Mr. KERRY (for himself and Mr. ROCKEFELLER):

S. 24. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator ROCKEFELLER and I are introducing the Strengthen the Earned Income Tax Credit Act of 2009. Since 1975, the earned income tax credit, EITC, has been an innovative tax credit which helps low-income working families. President Reagan referred to the EITC as ''the best antipoverty, the best pro-family, the best job creation measure to come out of Congress.'' According to the Center on Budget and Policy Priorities, the EITC lifts more children out of poverty than any other government program.

It is time for us to reexamine the EITC and determine where we can strengthen it. Census data and the events of Hurricane Katrina reiterated the fact that there is a group of Americans that are falling behind. The poverty rate for 2007 was 12.5 percent and this is basically the same as the rate for 2006. In 2007, there were 37.3 million living in poverty.

We need to help the low-income workers who struggle day after day trying to make ends meet. They have been left behind in the economic policies of the last 8 years. We need to begin a discussion on how to help those that have been left behind. The EITC is the perfect place to start.

The Strengthen the Earned Income Tax Credit Act of 2009 strengthens the EITC by making the following four changes: reducing the marriage penalty; increasing the credit for families with three or more children; expanding credit amount for individuals with no children; and simplifying the credit.

First, the legislation increases marriage penalty relief and makes it permanent. In the way that the EITC is currently structured, many single individuals that marry find themselves faced with a reduction in their EITC. The tax code should not penalize individuals who marry.

Second, the legislation increases the credit for families with three or more children. Under current law, the credit amount is based on one child or two or more children. This legislation would create a new credit amount based on three or more children. One of the purposes of the EITC is to lift families above the poverty level. Because the EITC adjustment for family size is limited to two children, over time large families will not be kept above the poverty threshold.

Under current law, the maximum EITC for an individual with two or more children is $5,028 and under this legislation, the amount would increase to $5,656 for an individual with three or more children. Increasing the credit amount would make more families eligible for the EITC. Currently, an individual with three children and income at and above $40,295 would not benefit from the credit. Under this legislation, an individual with children and income under $43,276 would benefit from the EITC.

Third, this legislation would increase the credit amount for childless workers. The EITC was designed to help childless workers offset their payroll tax liability. The credit phase-in was set to equal the employee share of the payroll tax, 7.65 percent. However, in reality, the employee bears the burden of both the employee and employer portion of the payroll tax.

For 2008, the EITC will fully offset the employee share of payroll taxes only for childless workers earning less than $5,720. A typical single childless adult will begin to owe Federal income taxes in addition to payroll taxes when his or her income is only $10,655, which is below the poverty line.

The decline in the labor force of single men has been troubling. Boosting the EITC for childless workers could be part of solution for increasing work among this group. Increasing the EITC for families has increased labor rates for single mothers and hopefully, it can do the same for this group.

This legislation doubles the credit rate for individual taxpayers and married taxpayers without children. The credit rate and phase-out rate of 7.65 percent is doubled to 15.3 percent. For 2007, the maximum credit amount for an individual would increase from $457 to $913. The doubling of the phase-out results in taxpayers in the same income range being eligible for the credit. In addition, the legislation would increase the credit phase-out income level from $7,470 to $13,800 for 2009 and $14,500 for 2010.

Under current law, workers under age 25 are ineligible for the childless workers EITC. The Strengthen the Earned Income Tax Credit Act of 2009 would change the age to 21. This age change will provide an incentive for labor for less-educated younger adults.

Fourth, the Strengthen the Earned Income Tax Credit Act of 2009 simplifies the EITC by modifying the abandoned spouse rule, clarifying the qualifying child rules, and repealing the disqualified investment test. Current rules require parents to file a joint tax return to claim the EITC. This can create difficulty for separated parents. If parents are separated and not yet divorced, complex rules govern whether the custodial parent may claim the EITC if a separate return is filed. The custodial parent must be able to claim head-of-household filing status. This test requires that a parent must pay more than half of household expenses from her own earnings, rather than from child support payments or program benefits. Under this legislation, the requirements by permitting a separated parent who lives with for more than six months of the year and also lives apart from his/her spouse for at least the final six months of the year to claim the EITC.

Under current law, two adults who live in the same household with a child may each qualify to claim the child for the EITC, but only one taxpayer may claim the child and the other taxpayer is not eligible to claim the childless worker EITC. Under this legislation, filers who are eligible to claim a child for the EITC but do not do so are eligible to claim the smaller EITC for workers not raising a child. For example, a mother and aunt living in the same house who are both qualified to claim the child would be able to receive the EITC. The one who claims the child would get the larger amount and the other would be eligible for the smaller childless worker credit.

Under current law, low-income filers are ineligible for the EITC if they have investment income such as interest, dividends, capital gains, rent or royalties that exceeds $3,950 a year. Very few EITC claimants have investment income above this level. This income

test creates a ''cliff'' because those workers with investment income of $2,951 would be unable to claim any EITC. This provision discourages savings among low- and moderate-income families. Under this legislation, the investment income test would be repealed.

This legislation will help those who most need our help. It will put more money in their pay check. We need to invest in our families and help individuals who want to make a living by working. I urge my colleagues to support an expansion of the EITC.

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By Mrs. LINCOLN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to reset the income threshold used to calculate the refundable portion of the child tax credit and to repeal the sunset for certain prior modifications made to the credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I come before the Senate to once again raise an issue that is near and dear to my heart—an issue that is of great importance to working families across this country. In 2001 and again in 2003, Senator SNOWE and I worked together to ensure that low-income working families with children receive the benefit of the Child Tax Credit. Last year, we were successful in improving the credit to ensure that more working families are able to receive its benefit for the tax year 2008, and I come here today to introduce legislation that will ensure this important provision continues to provide tax relief for our working families in the future.

The change we made to the credit last year will ensure the Child Tax Credit is available for all working families. As some of my colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, then they don't qualify for the credit. The problem is that some of our working parents are working full-time and yet they still don't earn enough to receive a meaningful benefit from this provision because they just don't have a high enough income.

It is wrong to provide the credit to some hardworking Americans, while leaving others behind. That is why we temporarily lowered the income threshold to $8,500 in the Emergency Economic Stabilization Act last Fall. As a result, the single, working parent that is stocking shelves at your local grocery store for minimum wage will receive a meaningful credit this year.

This improvement to the credit must be made permanent to ensure that our tax code works for all Americans, especially those working parents forced to get by on the minimum wage. Today, we are introducing the Working Family Child Assistance Act, legislation which makes the refundable Child Tax Credit permanent and sets the income threshold at a reasonable level so that all working parents, including those making the minimum wage, receive the benefit of the credit.

I look forward to working with my colleagues and the Administration to ensure that those low-income, hardworking families that need this credit the most do receive its benefits.

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By Mr. NELSON, of Florida (for himself, Ms. SNOWE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. 30. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, American consumers and public safety officials increasingly find themselves confronted by scams in the digital age. One of the most recent scams is known as caller I.D. ''spoofing.'' Today, I am introducing a bipartisan bill with Senators SNOWE, MCCASKILL and KLOBUCHAR—The Truth in Caller I.D. Act of 2009—to put an end to fraudulent caller I.D. spoofing.

What is caller I.D. spoofing? It's a technique that allows a telephone caller to alter the phone number that appears on the recipient's caller I.D. system. In other words, spoofing allows someone to hide behind a misleading telephone number to try to scam consumers or trick law enforcement officers.

Let me give you a few shocking examples of how caller I.D. spoofing has been exploited during the past 4 years:

In one very dangerous hoax, a sharpshooting SWAT team was forced to shut down a neighborhood in New Brunswick, NJ, after receiving what they believed was a legitimate distress call. But what really happened was a caller used spoofing to trick law enforcement into thinking that the emergency call was coming from a certain apartment in that neighborhood. It was all a cruel trick perpetrated with a deceptive telephone number.

In another example, identity thieves bought a number of stolen credit card numbers. They then called Western Union, set up caller I.D. information to make it look like the call originated from the credit card holder's phone line, and used the credit card numbers to order cash transfers, which the thieves then picked up.

In other instances, callers have used spoofing to pose as Government officials. In the past year, there have been several instances of fraudsters using caller I.D. fraud to pose as court officers calling to say that a person has missed jury duty. The caller then says that a warrant will be issued for their arrest, unless a fine is paid during the call. The victim is then induced to provide credit card or bank information over the phone to pay the ''fine.''

Furthermore, while these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone, giving out personal information, or telling the person on the other end of the line about their current whereabouts. The results could be tragic.

There are a number of Internet Web sites—with names like Tricktel.com and Spooftel.com—that sell their services to criminals and identity thieves. Any person can go to one of these Web sites, pay money to order a spoofed telephone number, tell the Web site which phone number to reach, and then place the call through a toll-free line. The recipient is then tricked when he or she sees the misleading phone number on his or her caller I.D. screen.

A new Web site—Dramatel.com—even offers a prepaid calling card platform that combines a caller I.D. spoofing service with other features that allow a fraudster to disguise their voice and record the entire call. It's hard to imagine what legitimate purpose this service could possibly offer—other than providing a tailor-made mechanism for criminals to prey on innocent victims.

In essence, these Web sites provide the high-tech tools that criminals need to do their dirty work. Armed with a misleading phone number, an identity thief can call a consumer pretending to be a representative of the consumer's credit card company or bank. The thief can then ask the consumer to authenticate a request for personal account information. Once a thief gets hold of this sensitive personal information, he can access a consumer's bank account, credit card account, health information, and who knows what else.

Furthermore, even if a consumer does not become a victim of stalking or identity theft, there is a simple concept at work here. Consumers pay money for their caller I.D. service. Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and trust the person on the other end of the line.

In June 2007, I chaired a Senate Commerce Committee hearing on caller I.D. spoofing. At that hearing, there was broad consensus that caller I.D. spoofing was quickly developing into a major area of consumer abuse and criminal fraud. Unfortunately, the Federal Communications Commission and the Federal Trade Commission have been slow to act on this latest scam. In the meantime, many spoofing companies and the fraudsters that use them believe their activities are, in fact, legal. Well, it's time to make it crystal clear that spoofing is a scam and is not legal.

How does the bipartisan Truth in Caller I.D. Act of 2009 address the problem of caller I.D. spoofing?

Quite simply, this bill plugs the hole in the current law and prohibits fraudsters from using caller identification services to transmit misleading or inaccurate caller I.D. information with the intend to defraud, cause harm, or wrongfully obtain anything of value. This prohibition covers both traditional telephone calls and calls made

using Voice-Over-Internet, VoIP, service.

Anyone who violates this anti-spoofing law would be subject to a penalty of $10,000 per violation or up to one year in jail, as set out in the Communications Act. Additionally, this bill empowers States to help the Federal Government track down and punish these fraudsters.

I invite my colleagues to join Senators SNOWE, MCCASKILL, KLOBUCHAR and myself in supporting the Truth in Caller I.D. Act of 2009. We should not waste any more time in protecting consumers and law enforcement authorities against caller I.D. spoofing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 30

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Truth in Caller ID Act of 2009''.

**SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.**

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

''(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

''(3) REGULATIONS.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission shall prescribe regulations to implement this subsection.

''(B) CONTENT OF REGULATIONS.—

''(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines is appropriate.

''(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

''(I) any authorized activity of a law enforcement agency; or

''(II) a court order that specifically authorizes the use of caller identification manipulation.

''(iii) EFFECT ON OTHER LAWS.—Nothing in this subsection shall be construed to authorize or prohibit any investigative, protective, or intelligence activities performed in connection with official duties and in accordance with all applicable laws, by a law enforcement agency of the United States, a State, or a political subdivision of a State, or by an intelligence agency of the United States.

''(4) REPORT.—Not later than 6 months after the enactment of the Truth in Caller ID Act of 2009, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

''(5) PENALTIES.—

''(A) CIVIL FORFEITURE.—

''(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed $10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act.

''(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

''(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

''(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

''(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than $10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

''(6) ENFORCEMENT BY STATES.—

''(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

''(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

''(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission shall have the right—

''(i) to intervene in the action;

''(ii) upon so intervening, to be heard on all matters arising therein; and

''(iii) to file petitions for appeal.

''(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(E) VENUE; SERVICE OR PROCESS.—

''(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

''(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

''(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

''(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

''(C) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given that term by section 9.3 of the Commission's regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

''(8) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.''.

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By Mr. KOHL (for himself and Mr. DURBIN):

S. 165. A bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Student Credit Card Protection Act of 2009 with my colleague Senator DURBIN. This legislation will help prevent college students from compiling massive credit card debt while in school.

College students have become the target of credit card companies advertising campaigns over the past 15 years. Many universities allow credit card companies to set up tables on campus and offer students free gifts in exchange for filling out a credit card

application. Additionally, students receive card solicitations through mail to their on-campus mailbox or at their home address even before they arrive at the university in the fall. These aggressive marketing strategies have worked and now close to 96 percent of college graduates hold a credit card, compared to 1994, when only half had one. The average college student graduates with close to $3,000 in credit card debt, double the amount in 1994. In some very extreme cases, students are leaving school with multiple credit cards and debts amounting upwards of $10,000.

Credit card debt can make it harder for graduates to rent an apartment, receive a car loan, or obtain a job after college. Due to the lack of financial education and complicated terms and conditions, many students find themselves in over their heads. The Student Credit Card Protection Act will help students avoid large credit card debt while forcing issuers to make more responsible loans. The bill requires credit card issuers to verify annual income of a full-time student and then extends a line of credit based on the income. For a student without a verifiable income, a parent, legal guardian or spouse must cosign the credit card and approve any increase in the credit limit. These simple underwriting requirements will make it more difficult for credit card companies to approve loans that are beyond a students' ability to repay and return to a more responsible lending policy.

It is imperative that we help minimize the amount of debt young consumers incur before entering into the workforce. On average, a student with a bachelors degree will leave school with $18,000 in student loan debt. Paying for housing, health-care and student loans already place a financial strain on a recent college graduate. A huge credit card payment on top of all of the other bills can lead to financial ruin before young people even have a chance to get on their feet. This bill gives students the protection they deserve from irresponsible lending that can trap them in years of crushing debt repayment.

The current economic situation has exposed many bad habits of both the financial industry and the average consumer. The savings rate of our country has significantly declined over the past decade as consumer spending and borrowing steadily increased. While it is necessary for Congress to implement policies which will allow Americans to save more of their income, it is equally important for consumers to put into practice controlled and prudent spending habits.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 9—COMMEMORATING 90 YEARS OF U.S.-POLISH DIPLOMATIC RELATIONS, DURING WHICH POLAND HAS PROVEN TO BE AN EXCEPTIONALLY STRONG PARTNER TO THE UNITED STATES IN ADVANCING FREEDOM AROUND THE WORLD

Mr. LUGAR (for himself, Mr. VOINOVICH, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 9

Whereas the United States established diplomatic relations with the newly-formed Polish Republic in April 1919;

Whereas the year 2009 marks the 20th anniversary of democracy in Poland, as well as the 20th anniversary of the fall of communism in Poland;

Whereas the year 2009 marks the 10th anniversary of Poland's accession to the North Atlantic Treaty Organization (NATO);

Whereas the year 2009 marks the 50th anniversary of the Fulbright Educational Exchange Program in Poland;

Whereas Poland has overcome a legacy of foreign occupation and period of communist rule to emerge as a free and democratic nation;

Whereas Poland has strongly supported the United States diplomatically and militarily, as well as supporting United States-led efforts in combating global terrorism, and has contributed troops to the coalitions led by the United States in both Afghanistan and Iraq; and

Whereas Poland has cooperated closely with the United States on issues such as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 90th anniversary of U.S.-Polish diplomatic relations;

(2) congratulates the Polish people on their great accomplishments as a free democracy; and

(3) expresses appreciation for Poland's steadfast partnership with the United States.

Mr. LUGAR. Mr. President, I rise today to offer a resolution commemorating several remarkable milestones in the U.S.-Poland partnership. This year marks the 90th anniversary of diplomatic relations between the United States and Poland, the 50th anniversary of the Fulbright Exchange Program with Poland, and the 10th anniversary of Poland's accession to NATO.

The U.S.-Polish friendship formally began in 1919 and has endured through two world wars, the Cold War, and the emergence of a vibrant democracy after the fall of communism. This partnership has been bolstered by two unqualified successes of U.S. diplomacy. The Fulbright Exchange Program has nurtured the pursuit of higher learning for Polish and American students, professors, and researchers, for many decades offering Poles a rare window into the opportunities afforded by democratic society. Such exchanges invigorated intellectual thought and creativity in Poland, Eastern Europe, and the West and helped to hasten the dissolution of the Warsaw Pact.

Poland exhibited great energy in undertaking economic, political, and military reforms, and the NATO alliance was strengthened by Polish membership in 1999. Poland today remains the closest of our allies, having contributed great wherewithal to combating global terrorism and bringing stability to Afghanistan and Iraq. In recognition of the profound successes of the U.S.-Polish alliance, I am pleased to introduce this resolution congratulating the Polish people on their great accomplishments as a free democracy and expressing our country's appreciation for Poland's steadfast partnership.

I am hopeful that my colleagues will join me in supporting this important legislation.

## PRIVILEGES OF THE FLOOR

Ms. KLOBUCHAR. I ask unanimous consent that John Branscome, a detailee in my office, be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—NOMINATIONS TO OFFICE OF INSPECTOR GENERAL

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having primary jurisdiction over the department, agency, or entity and, if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess or adjournment the committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination, and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WEEKEND SESSION

Mr. REID. Mr. President, we are going to be in a weekend session. All Democratic Senators have been told this, and Republican Senators have been notified. We earlier anticipated that the vote would be early Sunday, but I have worked with the Senate staff and we are going to be protected with postcloture time by having that vote at 2 p.m. So what we will do is come in Sunday at 1 p.m. and have a vote at 2 p.m.

There are a few procedural games people can play, if they desire, and I